IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.22139 of 2003

Between:

K.Srinivasa Rao S/o.Radha Krishna Rao R/o.Behind Broker Officer, Rachurivari Street D.No.12-5-14,
Kovvur, West Godavari District.

..... PETITIONER

AND

1. The Joint Managing Director, Andhra Sugars Limited Kovvur,
West Godavari District.
2. The Presiding Officer, Labour Court, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Certiorari declaring the order dt.17.9.2003 passed in I.A.No.230/2003 in I.D.No.268/1994 on the file of Presiding Officer, Labour Court, Guntur as illegal and consequently direct to recall MW8 for the purpose of cross examination.

Counsel for the Petitioner: MR.V.RAGHU

Counsel for the Respondent No.1 : Mr. VEDULA SRINIVAS

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following:

ORDER:

This writ petition is filed challenging the order, dated 17.09.2003 passed by the learned Presiding Officer, Labour Court, Guntur, in I.A.No.268 of 1994 in I.D.No.268 of 1994.

The only grievance of the petitioner is that the presence of M.W.8 is required, for confronting certain documents, for arriving at a just decision in the case.

The learned counsel appearing for the respondents contended that the order under challenge does not suffer from any legal infirmity so as to call for interference of this Court, and that several opportunities were given to the writ petitioner in the trial Court itself, but he has not availed the same. Further, he contended that no reasons were given in the petition, to recall M.W.8.

Per contra, the learned counsel for the petitioner contended that, if the purpose of recalling M.W.8 is revealed, then it would cause hardship to the petitioner and therefore, purposefully he has not mentioned any reasons in the petition. But he stated that he filed an additional affidavit before this Court stating that M.W.8 has to be recalled to confront with the copies of the register disclosing the attendance particulars.

As can be seen from the affidavit and also the additional affidavit filed by the writ petitioner, it is to be noted that the purpose of recalling M.W.8 is only for confrontation of copy of register disclosing the attendance particulars.

According to the respondent, the petitioner is not at all a workman. So, the *lis* that has to be decided is, whether the petitioner is a workman or not.

For effective adjudication of the dispute, the copies of register, disclosing the attendance particulars of the petitioner, is required to be produced before the Tribunal and the same has to be confronted with M.W.8, who supervised the work performed. Hence, in the circumstances, the order passed in I.A.No.230 of 2003 in I.D.No.268 of 1994 is set aside. However, considering the fact that the I.D., relates to the year 1997, a direction shall be given to the Presiding Officer to dispose of the I.D., within a period of three months from the date of receipt of a copy of this order,

after recalling M.W.8.

With the observation as above, the writ petition is disposed of. No costs.

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K.C.BHANU, J

7th December, 2004.

Note: Furnish C.C. in two days.

(B/O)

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To

1. The Joint Managing Director, Andhra Sugars Limited Kovvur, West Godavari District.
2. The Presiding Officer, Labour Court, Guntur.

3. 2CCs to the G.P. for Labour, High Corut Buildings, Hyderabad (OUT).

4. 2CD copies.